

**FORTY-SECOND DAY**  
(Monday, March 28, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: McKnight.

A quorum was announced present.

The Reverend David Jarman, Associate Pastor, Central Christian Church, Austin, Texas, offered the invocation as follows:

Our Father in heaven, You who did fashion and create us to serve You, we thank You for Your mercy and love. Especially during these times do we acknowledge with gratitude Your watchful safekeeping over us, for we realize we have often fallen short of what You would have us to do.

We continuously betray the sacred trust You have given us to keep, yet You are still willing that we should come to You in lowliness of heart, as we now do, seeking to drown our own sin in the sea of Your own infinite love.

Forgive us, Lord, for our failures to be true even to our own accepted standards.

Forgive us for failing to apply to ourselves the standards of conduct we demand of others.

Forgive us for our blindness to the sufferings of others.

Be with all those who must this day endure suffering. And be with this legislative body as they pass laws in order to alleviate the suffering and injustices that exist in the lives of people.

Renew now in us all the joy of Your salvation and give us the strength of a willing spirit, we pray, in the name of Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 24, 1977, was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator McKnight was granted leave of absence for today on account of important business on motion of Senator Moore.

**CO-AUTHORS OF SENATE BILL 51**

On motion of Senator Schwartz and by unanimous consent, Senators Ogg and Truan will be shown as Co-authors of **S.B. 51**.

**REPORTS OF STANDING COMMITTEES**

Senator Brooks submitted the following report for the Committee on Human Resources:

**S.B. 515** (Amended)  
**C.S.S.B. 664** (Read first time)

Senator Doggett, Acting Chairman, submitted the following report for the Committee on Human Resources:

**C.S.S.B. 900** (Read first time)  
**C.S.S.B. 1124** (Read first time)

Senator Creighton submitted the following report for the Committee on Economic Development:

**S.B. 667**  
**S.B. 643**  
**S.B. 742** (Amended)  
**S.B. 734**  
**C.S.S.B. 229** (Read first time)  
**C.S.S.B. 678** (Read first time)

**MESSAGE FROM THE HOUSE**

House Chamber  
March 28, 1977

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 1276**, A bill to be entitled An Act relating to the applicability of the Uniform Wildlife Regulatory Act to the wildlife resources of Winkler County; amending Section 348.001, Parks and Wildlife Code.

**H.B. 1245**, A bill to be entitled An Act relating to the issuance of temporary permits; amending Subsection (a), Section 5.137, Water Code.

**H.B. 1213**, A bill to be entitled An Act relating to the annexation, operation, and financing of certain separately defined areas of the Irving Flood Control District of Dallas County, Texas; amending Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-477, Vernon's Texas Civil Statutes), by adding Section 26.

**H.B. 1048**, A bill to be entitled An Act relating to medical professional discipline, liability, and insurance; amending Subchapter J, Chapter 5 and Article 21.49-3, Insurance Code.

**H.B. 1461**, A bill to be entitled An Act relating to the merger of the Grandfalls Drainage District into the Ward County Water Improvement District No. 2.

**H.B. 1157**, A bill to be entitled An Act relating to the appropriation of state water for any beneficial use; amending Section 5.023(b), Water Code.

**S.C.R. 74**, Requesting the return of **H.B. 502** to the Senate for further consideration.

**H.B. 244**, A bill to be entitled An Act amending Section 99, Texas Election Code, as amended (Article 8.17, Vernon's Texas Election Code), to permit young children to accompany parents into polling places and voting booths; and declaring an emergency.

**H.B. 416**, A bill to be entitled An Act relating to the time period within which a county or municipal bond election must be held after the election is called; amending Article 704, Revised Civil Statutes of Texas, 1925, as amended.

**H.B. 497**, A bill to be entitled An Act relating to the care after the age of 18 years of persons residing in facilities operated by the Texas Youth Council for orphans, half-orphans, and dependent and neglected children; amending Section 9a, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 5143d, Vernon's Texas Civil Statutes).

**H.B. 879**, A bill to be entitled An Act relating to operation of a commercial motor vehicle or truck tractor by a person other than the owner or his agent; amending Sections 3 and 4, Chapter 209, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 6701c-1, Vernon's Texas Civil Statutes).

**H.B. 950**, A bill to be entitled An Act relating to creating a separate governing board for Southwest Texas State University and removing the university from the Texas State University System; amending the Texas Education Code, by adding Chapter 114, and repealing Subchapter C, Chapter 96.

**H.B. 615**, A bill to be entitled An Act relating to the compensation of District Judges of the 24th Judicial District and the 135th Judicial District.

**H.B. 433**, A bill to be entitled An Act relating to expenses of court reporters in judicial districts of more than one county; amending Chapter 56, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 2326a, Vernon's Texas Civil Statutes).

**H.B. 202**, A bill to be entitled An Act relating to the authority of the chairman and the director of the Texas Aeronautics Commission; amending Paragraph (b), Subdivision 6, Section 6, and Subdivision 2, Section 7, of Chapter 344, Acts of the 49th Legislature, Regular Session, as amended (Articles 46c-6 and 46c-7, Vernon's Texas Civil Statutes).

**H.B. 157**, A bill to be entitled An Act relating to the annual audit report of school district fiscal accounts; amending Subsection (d), Section 21.256, Texas Education Code.

**H.B. 10**, A bill to be entitled An Act relating to creating a State Formulary Commission, allowing prescription drug product selections by pharmacists; amending Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 4542a, Vernon's Texas Civil Statutes), by adding Sections 5A and 8A and amending Section 12; and declaring an emergency.

Respectfully submitted,  
BETTY MURRAY, Chief Clerk  
House of Representatives

### BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 13  
S.C.R. 14  
S.C.R. 18  
S.C.R. 19  
S.B. 97  
S.B. 98  
S.B. 111  
S.B. 114  
S.B. 117  
S.B. 192  
S.B. 507

### SENATE BILLS AND RESOLUTION ON FIRST READING

By unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.B. 1199** by Farabee Intergovernmental Relations  
Relating to the terms of the Board of Directors of the Wilbarger County Hospital District; amending Section 3 of Chapter 6, Acts of the 59th Legislature, Regular Session, 1965, as amended.

**S.B. 1200** by Farabee State Affairs  
Relating to credit on compensation paid by a county to an assistant of an ex-officio county school superintendent for purposes of the Teacher Retirement System.

**S.B. 1201** by Farabee Education  
Authorizing Midwestern State University to exchange certain state-owned land for certain land owned by the Midwestern Venture, Ltd., Wichita Falls, Wichita County, Texas; and declaring an emergency.

**S.B. 1202** by Hance Natural Resources  
Relating to the regulation of certain gas utilities; amending Article 6050, Revised Civil Statutes of Texas, 1925, as amended; and amending Subsection (c), Section 3, and Subsection (b), Section 19, Public Utility Regulatory Act, Article 1446c, Vernon's Texas Civil Statutes.

**S.B. 1203** by Parker Intergovernmental Relations  
Relating to the creation of the 281st Judicial District composed of Orange County; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.108.

**S.B. 1204** by Schwartz Intergovernmental Relations  
Relating to the creation of the 284th Judicial District composed of Brazoria County; providing for the compensation and election of the judge; abolishing the 239th

Judicial District; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes) by repealing Section 3.064 and adding Section 3.111.

**S.B. 1205** by Doggett

State Affairs

Relating to the transfer of a state-owned parking lot from the State Building Commission to the Employees Retirement System of Texas.

**S.B. 1206** by Moore

State Affairs

Relating to exempting the buildings and tangible personal property of fraternal organizations from ad valorem taxation in certain circumstances; amending Title 122, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 7150k and repealing Section 22, Article 7150, as added by Chapter 152, Acts of the 60th Legislature, Regular Session, 1967.

**S.B. 1207** by Sherman

Natural Resources

Adopting the Natural Resources Code, a formal revision of the statutes relating to the public domain, oil, gas, and other natural resources; making conforming amendments to other laws; repealing the laws replaced by the code.

**S.J.R. 58** by Moore

State Affairs

Proposing an amendment to Article VIII, Section 2, of the Texas Constitution, to authorize the legislature to exempt tangible property of fraternal organizations from ad valorem taxation in certain circumstances.

#### HOUSE BILL AND RESOLUTIONS ON FIRST READING

The following bill and resolutions received from the House, were read the first time and referred to the Committee indicated:

**H.B. 1048**, To Committee on Jurisprudence.  
**H.C.R. 1**, To Committee on Human Resources.  
**H.C.R. 2**, To Committee on Administration.  
**H.C.R. 26**, To Committee on Administration.  
**H.C.R. 29**, To Committee on Administration.  
**H.C.R. 43**, To Committee on Administration.  
**H.C.R. 47**, To Committee on Administration.  
**H.C.R. 50**, To Committee on Administration.  
**H.C.R. 53**, To Committee on Administration.  
**H.C.R. 75**, To Committee on Human Resources.

#### VOTE ON SENATE BILL 700

On Thursday, March 24, I voted "Nay" on the final passage of **S.B. 700**. I intended to vote "Yea".

ANDUJAR

#### SENATE BILL 137 WITH HOUSE AMENDMENT

Senator Traeger called **S.B. 137** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

## A BILL TO BE ENTITLED

### AN ACT

relating to the addition of certain areas to the Cibolo Creek Municipal Authority and to the power and authority of the district; amending Sections 4 and 5, Chapter 347, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-487, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Sections 4 and 5, Chapter 347, Acts of the 62nd Legislature, Regular Session, 1971 (Article 8280-487, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 4. The district shall comprise all of the territory contained within the following described area:

"BEGINNING in Guadalupe County, Texas at the point of intersection of the southern right-of-way line of Interstate Highway 35 and the northeastern line of Survey No. 514 Jacob DeCardova, Abstract 117 in Guadalupe County and Abstract 134 in Comal County; the northeastern line of Survey 514 also being the southwestern line of the R. Martin and J. F. Walker Survey, Abstract 244 in Guadalupe County and Abstract 414 in Comal County;

"THENCE, in a southeasterly direction along the northeastern line of Survey No. 514 Jacob DeCardova Abstract 117 in Guadalupe County, a distance of approximately 3,000 feet to the most eastern corner of said Survey 514, also being the most southern corner of the R. Martin and J. F. Walker Survey Abstract 244 and a point on the northwestern line of the Gustavus Bunson Survey, Abstract 72;

"THENCE, in a northeasterly direction along the northwestern line of the Gustavus Bunson Survey a distance of approximately 1,400 feet to a corner;

"THENCE, in a southeasterly direction crossing the Gustavus Bunson Survey in a direction perpendicular to its northwestern line, a distance of approximately 1200 feet to a southeastern line of the Bunson Survey;

"THENCE, in a southwesterly direction following the southeastern line of the Bunson Survey and the northwestern line of Survey 406, B. Cannon, Abstract 95, a distance of approximately 500 feet to a corner;

"THENCE, in a southeasterly direction along the common property line between the 66 acre Herman V. Hoffman tract and the W. E. Dean tract, a distance of approximately 1100 feet to a point on the northwestern line of Survey No. 263, James Jones, Abstract 94;

"THENCE, in a northeasterly direction along the northwestern line of Survey No. 263, James Jones, a distance of approximately 1,800 feet to a corner;

"THENCE, in a southeasterly direction following the common property line between the W. E. Dean 228.5 acre tract and the Paul G. Silber, Jr. 65 acre tract and also along the northeastern line of the 80 acre Charles Orth tract, a distance of approximately 3,400 feet to a point on the northwestern line of Survey No. 94, Trinidad Garia, Abstract 137 and the southeastern line of Survey No. 263, James Jones;

"THENCE, in a southwesterly direction along the northwestern line of Survey No. 94, Trinidad Garia, a distance of approximately 2,000 feet to the most western corner of Survey No. 94, Trinidad Garia and the most southern corner of Survey No. 263, James Jones;

"THENCE, in a southeasterly direction along the northeastern line of the Mathias Lindenburg Survey, Abstract 215, a distance of approximately 2,100 feet to an interior corner of the Mathias Lindenburg Survey and a southwest corner of Survey No. 94, Trinidad Garia;

"THENCE, in a southwesterly direction crossing the Mathias Lindenburg Survey along the common property line between the C. L. Worthy Jr. 75 acre tract and the Louis Borgfeld estate 175 acres a distance of approximately 1,400 feet to a point on the southwestern line of the Lindenburg Survey;

"THENCE, in a southeasterly direction along the southwestern line of the said Lindenburg Survey and along the northeastern line of the Doroteo Hernandez Survey No. 76, a distance of approximately 1,000 feet to a point on the northwestern line of the Simon Cockrill Survey No. 77, Abstract 96;

"THENCE, in a southwesterly direction along the northwestern line of said Survey No. 77 and along the southeastern line of the Hernandez Survey No. 76, a distance of approximately 3,600 feet to a point on the southeastern line of the Hernandez Survey and a point on the northwestern line of the Genobera Malpaz Survey No. 67, Abstract 221;

"THENCE, in a southeasterly direction parallel to and 850 feet southwest of the northeastern line of the said Malpaz Survey No. 67, a distance of approximately 5,300 feet to a point in the center of the Dietz Creek;

"THENCE, down the center of the Dietz Creek with its meanders, crossing the Southern Pacific Railway Company right-of-way, crossing FM Highway 78 and continuing along the center of the Dietz Creek to a point in the center of the Cibolo Creek;

"THENCE, down the center of the Cibolo Creek with its meanders a distance of approximately 1,000 feet to a point on the northeastern line of the said Malpaz Survey No. 67;

"THENCE, in a southeasterly direction following the northeastern line of the Malpaz Survey No. 67, passing the most eastern corner of Survey No. 67 and continuing along the same line for a total distance of approximately 7,700 feet to a point on the northeastern line of the William Bracken Survey No. 74, Abstract 43;

"THENCE, in a northeasterly direction following the southeastern line of the Bruno Schulz 94.62 acre tract and along the northwestern line of the Herbert G. Weyel 120.7 acre tract, a distance of approximately 1,400 feet to a point in the center of the Cibolo Creek;

"THENCE, down the center of the Cibolo Creek with its meanders a distance of approximately 4,700 feet to a corner;

"THENCE, in a southwesterly direction crossing a 22.4 acre tract in Bexar County, Texas and crossing the northeastern line of the Julian Diaz Survey, Abstract 187 in Bexar County and continuing on along the northwestern right-of-way line of the lower Seguin Road a distance of approximately 4,800 feet to a turn in the road;

"THENCE, in a westerly direction continuing along the northern right-of-way line of the lower Seguin Road a distance of approximately 2,700 feet to a point on the northern line of the Julian Diaz Survey, Abstract 187 in ~~Bexas~~ Bexar County, Texas; said point also being on the southern line of Survey No. 75, Miles S. Bennett Abstract 61;

"THENCE, along the northern line of the Julian Diaz Survey a distance of approximately 3,600 feet to the most western corner of the Julian Diaz Survey and an interior corner of the Jeronimo Leal Survey No. 79, Abstract 424, Bexar County, Texas;

"THENCE, in a northwesterly direction following the northern right-of-way line of the lower Seguin Road, a distance of approximately 500 feet to a turn in said road, said turn also being on the southern line of a 100.7 acre tract in the name of Jewel Lucas;

"THENCE, continuing along the northern right-of-way of the lower Seguin Road at a distance of approximately 7,200 feet crossing the southwestern line of Survey 79, Jeronimo Leal and at a total distance of approximately 8,100 feet to a corner on the western line of the J. P. Hector Survey, Abstract 1147 Bexar County, Texas; said point also being on the northeastern line of the Richard Mockett Survey No. 316, Abstract 497;

"THENCE, in a northwesterly direction along the northeastern line of Survey 316, Richard Mockett and along the southwestern line of the J. P. Hector Survey Abstract 1147, a distance of approximately 2,000 feet to a point on the northeastern line of the John C. Neal Survey No. 82, Abstract 549;

"THENCE, in a southwesterly direction along the northern right-of-way of a public road a distance of approximately 1,000 feet to a corner;

"THENCE, in a northwesterly direction along the northeastern right-of-way line of a public road a distance of approximately 1,000 feet to a point on the common property line between Randolph Air Force Base and the Amanda Siebold 52.399 acre tract;

"THENCE, in a westerly direction along the southern boundary line of Randolph Field and the northern boundary line of the said Amanda Siebold 52.399 acre tract a distance of approximately 1,600 feet to a point on the northeastern right-of-way line of FM Highway 1604;

"THENCE, in a northwesterly direction following the northeastern right-of-way line of FM Highway 1604, a distance of approximately 6,300 feet to the point where the northwestern boundary of Randolph Field property intersects the northeastern right-of-way line of FM Highway 1604;

"THENCE, in a northerly and northeasterly direction following the northwestern perimeter of Randolph Field, a distance of approximately 4,100 feet to a point on the southern right-of-way line of FM Highway 78;

"THENCE, in a northwesterly direction crossing FM Highway 78 and the Southern Pacific Railroad right-of-way, along the southwestern line of Universal Parkview Subdivision and along the southwestern line of Northview Park Subdivision both being in the City of Universal City, Texas and continuing along this line a distance of approximately 4,900 feet to a point on the northwestern right-of-way line of Selma Road in the City of Universal City, Texas;

"THENCE, in a northeasterly direction along the northwestern right-of-way line of Selma Road, a distance of approximately 700 feet to a corner;

"THENCE, in a northwesterly direction along the southwestern right-of-way line of Selma Road, a distance of approximately 590 feet to the southeast corner of Lot 11, Block 2, Rose Garden Estate Subdivision Unit 1;

"THENCE, in a southwesterly direction along the southeastern line of Block 2, Rose Garden Estate Subdivision Unit 1, a distance of 469.81 feet to the most southern corner of Lot 8, Block 2, Rose Garden Estate Subdivision Unit 1;

"THENCE, in a northwesterly direction along the common boundary line between Lot 8 and lot 7, Block 2, Rose Garden Estate Subdivision Unit 1, a distance of 184 feet to the most western corner of the said Lot 8;

"THENCE, in a northwesterly direction crossing Kimberley Drive, a distance of approximately 90 feet to a point on the northwestern right-of-way of Kimberley Drive opposite the center line of a 16 foot wide utility easement;

"THENCE, in a northwesterly direction along the center line of said utility easement, a distance of approximately 530 feet to a point opposite the southwest corner of Lot 10 and the southeast corner of Lot 9, Block 3 of the Rose Garden Estate Subdivision Unit 2;

"THENCE, in a northwesterly direction along the common line between the said Lot 9 and 10, a distance of 123 feet to a point on the southern right-of-way line of Sherry Drive;



"THENCE, in a northwesterly direction crossing Sherry Drive, a distance of approximately 80 feet to the most eastern corner of Lot 10 and the southwest corner of Lot 11, both in Block 4, Rose Garden Estate Subdivision Unit 2;

"THENCE, in a northwesterly direction following the common line between the said Lots 10 and 11, Block 4, a distance of 132.8 feet to the most northern corner of the said Lot 10 and to the most western corner of Lot 11;

"THENCE, in a southwesterly direction along the northwestern side of the said Block 4, a distance of approximately 1,180 feet to a point on the northeastern right-of-way line of State Highway 218 (Pat Booker Road);

"THENCE, in a northwesterly direction following the northeastern right-of-way line of State Highway 218, crossing the northeastern right-of-way line of FM Highway 1604, a distance of approximately 6,700 feet to a point on the northeastern line of the Francisco Villarreal Survey, Abstract 776 in Bexar County, Texas; this point lies within the right-of-way of FM Highway 1604 and is also on the southwestern line of Survey 310, J. Vasquez, Abstract 777;

"THENCE, in a northwesterly direction following the northeastern line of the Francisco Villarreal Survey and the southwestern line of the J. Vasquez Survey No. 310, a distance of approximately 4,400 feet to the most northern corner of the Francisco Villarreal Survey and the most western corner of Survey No. 310, J. Vasquez;

"THENCE, in a southwesterly direction following the northwestern line of the Francisco Villarreal Survey and the southeastern line of Survey No. 276, Jose M. Martinez, Abstract 500, a distance of approximately 1,400 feet to the most southern corner of Survey No. 276, Jose M. Martinez;

"THENCE, in a northwesterly direction following the southwestern line of the said Survey No. 276, and the northeastern line of Survey No. 279, Jose Maria Ocon, Abstract 864, a distance of approximately 2,000 feet to a corner;

"THENCE, in a southwesterly direction following the common boundary line between the Boysville, Inc. tract and the Joseph Carmack trustee 70 acre tract a distance of approximately 3,400 feet to the most southern corner of the Carmack tract, the most western corner of Boysville, Inc. tract and a point on the Harold A. Kraft 88.15 acre tract;

"THENCE, in a northwesterly direction following the northeastern boundary line of the Harold A. Kraft 88.15 acre tract, crossing the right-of-way of the Missouri-Kansas-Texas Railroad Company, a total distance of approximately 2,400 feet to a point on the northwestern line of Survey No. 279, Jose Maria Ocon, Abstract 864;

"THENCE, in a southwesterly direction along the northwestern line of the said Survey No. 279, a distance of approximately 600 feet to a corner;

"THENCE, in a northwesterly direction following the common boundary line between the George Gerhart 18 acre tract and the Alice Dietz 80.3 acre tract, a distance of approximately 1,300 feet to the most northern corner of the Gerhart 18 acre tract;

"THENCE, in a southwesterly direction along the northwestern line of the Gerhart tract and the southeastern line of the Lester Gerhart 80 acre tract a distance of 1,100 feet to the southwestern line of Survey No. 277, J. F. S. Valverde, Abstract 782;

"THENCE, in a northwesterly direction along the southwestern line of the said Survey No. 277, also being along the northeastern line of Survey No. 278, Joseph O. Carrion, Abstract No. 141, a distance of approximately 1,300 feet to a corner;

"THENCE, in a northeasterly direction along the northwestern line of the Lester Gerhart 80 acre tract and the southeastern line of the Fred Snowden 5 acre tract, a distance of approximately 800 feet to a corner;

"THENCE, in a northwesterly direction along the common line between the W. H. Tonne, Jr. 164.14 acre tract and the Harry Schulmeyer 10.8 acre tract a distance of approximately 900 feet to the most northern corner of the Schulmeyer tract;

"THENCE, in a southwesterly direction along the northwestern line of the Schulmeyer tract and southeastern line of the Tonne tract a distance of approximately 800 feet to the southwestern line of the said Survey No. 277;

"THENCE, in a northwesterly direction following the southwestern line of Survey No. 277 and the northeastern line of Survey No. 278, at a distance of approximately 1,100 feet crossing the most western corner of Survey No. 277 and the most northern corner of Survey 278 and continuing along the same line a total distance of 1,600 feet to a corner on the northwestern right-of-way line of a public road;

"THENCE, in a southwesterly direction along the northwestern right-of-way line of said public road, a distance of approximately 100 feet to a corner;

"THENCE, in a northwesterly direction following the common boundary line between the E. S. C. Coppock 60 acre tract and the Allen E. Autry 25 acre tract a distance of approximately 2,000 feet to a corner;

"THENCE, in a northeasterly direction following the common boundary line between the Autry 25 acre tract and the Harry Eisenhower 25 acre tract a distance of approximately 700 feet to a corner on the southwestern line of the Mrs. Edda Bineck 98.257 acre tract;

"THENCE, in a northwesterly direction following the southwestern line of the Bineck 98.25 acre tract and the northeastern line of the Eisenhower 25 acre tract a distance of approximately 1,100 feet to a point on the northwestern line of Survey No. 196, James Conn, Abstract 121;

"THENCE, in a southwesterly direction along the northwestern line of said Survey No. 196 a distance of approximately 100 feet to a corner;

"THENCE, in a northwesterly direction following the common boundary line between the Floyd Nunnelly tract and the Alfred Nisbet 95.934 acre tract, a distance of approximately 2,100 feet to a point on the southern right-of-way line of the Missouri-Pacific Railroad Company;

"THENCE, in an easterly direction following the southern right-of-way line of the Missouri-Pacific Railroad Company a distance of approximately 3,200 feet to a point on the northeastern line of Survey No. 86, W. A. Arthur, Abstract 837;

"THENCE, in a northwesterly direction following the northeastern line of the said Survey No. 86 and the southwestern line of Survey No. 411, Pedro Sanchez, Abstract 677, a distance of approximately 1,700 feet to a corner;

"THENCE, in a northeasterly direction following the northwestern boundary line of the William R. Castle, Jr. 80.86 acre tract, and crossing the right-of-way of F.M. Highway 1604, continuing along the same line which is the common line between the John W. Stoepler 230 acre tract and the Mrs. N. E. McClelland Stagg 104.21 acre tract a distance of approximately 5,800 feet to a point on the northeast line of Survey No. 411, Pedro Sanchez;

"THENCE, in a northwesterly direction along the northeastern line of the said Survey No. 411, Pedro Sanchez and along the southwestern line of Survey No. 114, Vicente Micheli Abstract 462, a distance of approximately 150 feet to a corner;

"THENCE, in a northeasterly direction on the common boundary line between the Stella and Frances O'Neil 63 acre tract and the Gilbert Binz 54.5 acre tract, at a distance of approximately 3,000 feet crossing a public road, at a total distance of approximately 3,400 feet the center of the Cibolo Creek and a corner;

"THENCE, up the center of the Cibolo Creek with its meanders a distance of approximately 300 feet to a corner;

"THENCE, in a northeasterly direction, which is parallel to and approximately 2500 feet southeast of the northwest line of Survey 114, Vicente Micheli, Abstract 383 in Comal County, a distance of approximately 3,600 feet to a corner;

"THENCE, in a southeasterly direction, which is parallel and approximately 7,200 feet southwest of the northeasterly line of the said Survey No. 114, a distance of approximately 1200 feet to a corner;

"THENCE, in a northeasterly direction along the southeast line of the Paul Marbach 347 acre tract and along the northwest line of the Floyd Lochman 110 acre tract, a distance of approximately 7,200 feet to a point on the northeastern line of the said Survey No. 114;

"THENCE, continuing in a northeasterly direction along the northwestern line of Survey No. 96, George M. Dolson, Abstract 120, a distance of approximately 2,200 feet to a corner;

"THENCE, in a southeasterly direction along the southwestern line of the Victor O. Fritze 120 acre tract, a distance of approximately 4,000 feet to a corner on the northern right-of-way line of a public road;

"THENCE, in an easterly direction along the north right-of-way line of the said public road a distance of approximately 200 feet to a corner;

"THENCE, in a southeasterly direction along the northeastern right-of-way line of the said public road, at an approximate distance of 3,200 feet crossing the center of the Missouri-Pacific Railroad Company right-of-way, at a total distance of approximately 5,600 feet to a point on the southeastern line of Survey No. 96, George M. Dolson;

"THENCE, in a northeasterly direction along the southeastern line of the said Survey No. 96 and along the northwestern line of Survey No. 68, Torribio Herrera, Abstract 205, a distance of approximately 2,000 feet to the most northern corner of the said Survey No. 68 and to the most western corner of Survey No. 404, John Saladin, Abstract 526;

"THENCE, in a southeasterly direction along the northeastern line of the said Survey No. 68 and along the southwestern line of Survey No. 404, a distance of approximately 4,000 feet to a point on the southern right-of-way line of Interstate Highway 35;

"THENCE, in a northeasterly direction along the southeastern right-of-way line of Interstate Highway 35, a distance of approximately 4,700 feet to the place of beginning.

#### "TRACT NO. 2

"BEGINNING in Guadalupe County, Texas at a point on the northwestern line of Survey No. 94, Trinidad Garcia, Abstract 137 in Guadalupe County, Texas, from which point the northwest corner of said Survey No. 94, Trinidad Garcia bears in a southwesterly direction a distance of approximately 2,000 feet; said point also being a point on the eastern boundary line of the Cibolo Creek Municipal Authority district boundary;

"THENCE, in a northeasterly direction following the northwestern boundary line of Survey No. 94, Trinidad Garcia, also along the southeastern boundary of Survey No. 263, James Jones and the southeastern boundary of Survey No. 102, James N. Richardson, Abstract 277, a distance of approximately 8,000 feet to the northeast corner of said Survey No. 94, Trinidad Garcia;

"THENCE, in a southeasterly direction following the northeastern boundary line of said Survey No. 94, Trinidad Garcia, also along the southwestern boundary of Survey No. 254, J. M. Cardena and along the southwestern boundary of Survey No. 253, Frailan de la Garza and along the southwestern boundary of Survey No. 152, Sexto Dominguez, Abstract 110, a total distance of approximately 8,600 feet to the southeast corner of Survey No. 94, Trinidad Garcia, also being the southwest corner of Survey No. 152, Sexto Dominguez;

"THENCE, in a southwesterly direction following the southeastern boundary of Survey No. 94, Trinidad Garcia a distance of approximately 350 feet to a corner;

"THENCE, in a southeasterly direction crossing Survey No. 85, Jeronimo Leal, Abstract 210 on a line that is parallel to and 5,500 feet northeast of the southwestern boundary of said Survey No. 85, crossing the Southern Pacific Railroad right-of-way, crossing Farm to Market Highway No. 78, a total distance of approximately 12,750 feet to a point on the southeastern boundary of said Survey No. 85, Jeronimo Leal for the southeast corner of this tract, said point also being the southeast corner of the Dan J. Lambrecht 91 acre tract, said point also lying approximately 5,250 feet northeast of the southwest corner of said Survey No. 85, Jeronimo Leal Abstract 210;

"THENCE, in a southwesterly direction following the southeastern line of said Survey No. 85, Jeronimo Leal passing the southwest corner of said Survey No. 85, continuing along the same line, said line being the southeastern boundary of Survey No. 65, William Bracken, Abstract 57 in Guadalupe County and Abstract 48 in Bexar County, a total distance of approximately 11,350 feet to a point in the center line of the Cibolo Creek, said point being the southwest corner of this tract and also being a point on the eastern boundary line of the Cibolo Creek Municipal Authority district boundary;

"THENCE, up the center of the Cibolo Creek with its meanders a distance of approximately 3,000 feet to a corner;

"THENCE, in a southwesterly direction following the southeastern line of the Bruno Schulz 94.62 acre tract and along the northwestern line of the Herbert G. Weyel 120.7 acre tract a distance of approximately 1,400 feet to a point on the northeastern line of the William Bracken Survey No. 74, Abstract 43 in Bexar County, Texas;

"THENCE, in a northwesterly direction following the northeastern line of the William Bracken Survey No. 74, Abstract 43, continuing along the same line which is also the northeastern boundary of Survey No. 67, Genobera Malpaz, Abstract 221 in Guadalupe County and Abstract 464 in Bexar County, a total distance of approximately 7,700 feet to the point of intersection of the center line of the Cibolo Creek and the northeastern boundary of said Survey No. 67, Genobera Malpaz;

"THENCE, up the center line of the Cibolo Creek with its meanders, a distance of approximately 1,000 feet to the point of intersection of the center line of the Cibolo Creek and the center line of Dietz Creek.

"THENCE, up the center of the Dietz Creek with its meanders crossing FM Highway 78 and crossing the Southern Pacific Railroad Company right-of-way and continuing up the center of Dietz Creek to a point in the center of Dietz Creek;

"THENCE, in a northwesterly direction parallel to and 850 feet southwest of the northeastern line of the Malpaz Survey No. 67, a distance of approximately 5,300 feet to a point on the northwestern line of the Genobera Malpaz Survey No. 67, Abstract 221;

"THENCE, in a northeasterly direction along the southeastern line of the Hernandez Survey No. 76, Abstract 164 and along the northwestern line of Survey No. 77, Simon Cockrill, Abstract 96, a distance of approximately 3,600 feet to a point on the northwestern line of the Cockrill Survey No. 77, Abstract 96;

"THENCE, in a northwesterly direction along the northeastern line of the Hernandez Survey No. 76 and along a southwestern line of the Mathias Lindenburg Survey, Abstract 215, a distance of approximately 1,000 feet to a point on the southwestern line of said Lindenburg Survey;

"THENCE, in a northeasterly direction crossing the Lindenburg Survey along the common property line between the C. L. Worthy, Jr. 75 acre tract and the Louis Borgfeld estate 175 acres, a distance of approximately 1,400 feet to an interior corner of the Lindenburg Survey and a southwest corner of Survey No. 94, Trinidad Garcia;

"THENCE, in a northwesterly direction along the northeastern line of the Lindenburg Survey, Abstract 215, a distance of approximately 2,100 feet to the most western corner of Survey No. 94, Trinidad Garcia and the most southern corner of Survey No. 263, James Jones;

"THENCE, in a northeasterly direction along the northwestern line of Survey No. 94, Trinidad Garcia, a distance of approximately 2,000 feet to the place of beginning.

~~"[Save and except from the above described tract all of that land lying within the corporate limits of the City of Selma, Texas and save and except all of that land lying within the extraterritorial jurisdiction of the City of Selma, Texas; said exception and exclusion is more particularly described by metes and bounds as follows:]~~

"TRACT NO. 3

"BEGINNING at a point in Bexar County, Texas on the northwestern line of the J. Vasquez Survey No. 310, Abstract 777, from which point the most western corner of the Vasquez Survey No. 310 lies in a southwesterly direction a distance of approximately 1,850 feet;

"THENCE, in a southeasterly direction parallel to and 1,850 feet northeast of the southwestern line of the said Vasquez Survey No. 310, crossing Interstate Highway 35, crossing the Jane W. Hill 48.6 acre tract, crossing the Anna Bell Hallan 13.784 acre tract, crossing the Ira Walker 104.936 acre tract, a total distance of approximately 3,700 feet to a point on the southeastern line of the Ira Walker 104.936 acre tract;

"THENCE, in a northeasterly direction following the southeastern line of the Walker 104.936 acre tract, a distance of approximately 1,900 feet to a point on the northeastern line of the Walker tract;

"THENCE, in a northwesterly direction following the northeastern line of the Walker tract a distance of approximately 400 feet to a corner;

"THENCE, in a northeasterly direction along a line parallel to and 400 feet southeast of the northwestern property line of the Security Drilling Co. 186.3 acre tract, a distance of approximately 2,400 feet to a point on the northeastern line of the J. Vasquez Survey No. 310;

"THENCE, in a southeasterly direction along the northeastern line of the Vasquez Survey No. 310, a distance of approximately 500 feet to a corner;

"THENCE, in a northeasterly direction along the southeastern property line of the August Friesenhahn 127 acre tract and along the northwestern line of the Haddy Blue 151.5 acre tract a distance of approximately 3,100 feet to a point in the center of the Cibolo Creek;

"THENCE, down the center of the Cibolo Creek with its meanders a distance of approximately 700 feet to a corner;

"THENCE, in a northeasterly direction following the southeastern line of the E. A. Rhodius 155.32 acre tract a distance of approximately 2,400 feet to a corner;

"THENCE, in a northwesterly direction crossing the Rhodius 155.32 acre tract a distance of approximately 1,200 feet to a corner;

"THENCE, in a northeasterly direction following the southeastern line of the Ella Rhodius Albrecht 109 acre tract, a distance of approximately 1,500 feet to a corner;

"THENCE, in a northwesterly direction crossing the Albrecht 109 acre tract a distance of approximately 650 feet to a point on the southeastern line of the Walter Rhodius 109 acre tract;

"THENCE, in a northeasterly direction following the southeastern line of the said Rhodius 109 acre tract, a distance of approximately 600 feet to a corner;

"THENCE, in a northwesterly direction which is perpendicular to the southeastern line of the said Rhodius 109 acre tract, continuing along this line

crossing the J. T. Majors 84.6 acre tract, crossing Interstate Highway 35, crossing the Otto Bielstein estate 54 acre tract, a total distance of approximately 4,200 feet to a point on the northwestern line of the Bielstein 54 acre tract and a point on the southeastern line of Emil Sahm 75 acre tract;

"THENCE, in a southwesterly direction along the northwestern line of the said Bielstein 54 acre tract a distance of approximately 600 feet to a corner;

"THENCE, in a northwesterly direction along the northeastern line of the Joseph Riedel 31.1 acre tract, crossing the Guadalupe-Comal County Line, a distance of approximately 2,500 feet to a corner, said corner being 800 feet northwest of the northwest line of the Torribio Herrera Survey No. 68, Abstract 153, Guadalupe County, Texas;

"THENCE, in a southwesterly direction along a line parallel to and 800 feet northwest of the northwestern line of the Torribio Herrera Survey No. 68, crossing the Cibolo Creek, crossing the Alvin Fey 72.82 acre tract, crossing the Benno Friesenhahn 100 acre tract, crossing the Boysville Inc. 228 acre tract, a total distance of approximately 10,200 feet to a point on the southwestern line of the Vicente Micheli Survey No. 114, Abstract 462 in Bexar County and a point on the northeastern line of the Harman Sparks Survey No. 71, Abstract 707;

"THENCE, in a southeasterly direction along the northeastern line of the Sparks Survey No. 71, and along the southwestern line of the Micheli Survey No. 114, a distance of approximately 800 feet to a point on the northwestern line of the John James Survey No. 73, Abstract 380, said point also being the most eastern corner of the Sparks Survey No. 71;

"THENCE, in a southwesterly direction along the southeastern line of the Sparks Survey No. 71 and along the northwestern line of the Jose M. Martinez Survey No. 276, Abstract 500, a distance of approximately 1,900 feet to a point on the northwestern line of the Martinez Survey No. 276;

"THENCE, in a southeasterly direction along a line parallel to and 1,400 feet southwest of the northeastern line of the Martinez Survey No. 276, a distance of approximately 3,600 feet to a point on the southeastern line of the Martinez Survey No. 276, said point also being on the northwestern line of the Vasquez Survey No. 310;

"THENCE, in a northeasterly direction along the southeastern line of the Martinez Survey No. 276 and along the northwestern line of the Vasquez Survey No. 310, a distance of approximately 1,000 feet to the place of beginning, containing 2,175 acres of land.

"Summary of Land Areas:

"In Bexar County, Texas	13,321 acres
"In Comal County, Texas	2,220 acres
"In Guadalupe County, Texas	13,214 acres
"Total Area	28,755 acres
"[In Bexar County, Texas	12,095 acres
"Less exception for Selma, Texas	1,600
"Net Bexar County area	11,295 acres
"In Comal County, Texas	2,220 acres
"Less exception for Selma, Texas	5
"Net Comal County Area	2,215 acres
"In Guadalupe County, Texas	7,230 acres
"Less exception for Selma, Texas	570
"Net Guadalupe County area	6,660 acres
"Total Net Area	20,170 acres]

"Section 5. The district is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to a river authority pursuant to Chapter 25, Title 2,

Water Code, and to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code. The powers so granted, however, shall not include the power to supply water for municipal uses, domestic uses or commercial purposes, on a retail basis within the city limits or extraterritorial jurisdiction of any cities that lie wholly or partially within the district, provided, however, the said cities may have the power to contract with said district for the purpose of supplying surface water to said cities for resale. The said contracting cities shall bear the full cost of surface water development, transportation, distribution and treatment of said surface water. Revenues received from the collection, transportation, treatment, disposal or other purposes pertaining to the sewage system of the district are specifically prohibited from use for surface water development, transportation, distribution and treatment costs. No bonds payable wholly or partially from ad valorem taxes shall be issued by the district for the purpose of surface water development, transportation, distribution or treatment without first being authorized by majority votes of the resident qualified electors of the district voting in an election called and held for that purpose. If ~~(-but if)~~ any of the provisions ~~[provision]~~ of the aforesaid ~~[such]~~ general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act. ~~[It is specifically provided, however, that the district shall not be authorized to supply water for municipal uses, domestic uses, power and commercial purposes or any other beneficial uses.]~~"

Sec. 2. Proof of publication of the constitutional notice required in the enactment hereof under the provisions of Paragraph (d) of Section 59 of Article XVI of the Texas Constitution has been made in the manner provided therein and a copy of said notice and the bill as originally introduced has been delivered to the Governor of the State of Texas as required in such constitutional provision and such notice and delivery are hereby found and declared to be proper and sufficient to satisfy such requirements.

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Traeger moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

#### SENATE BILL 25 WITH HOUSE AMENDMENT

Senator Williams called S.B. 25 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. 25** by changing Sec. 1(a) line 13: delete the words "25 cents" and insert "1.25"; delete the words "15 cents" on line 13, Sec. 1(a) and insert the word "25 cents".

The amendment was read.

Senator Williams moved to concur in the House amendment.

The motion prevailed.

#### **SENATE CONCURRENT RESOLUTION 5 WITH HOUSE AMENDMENT**

Senator Doggett called **S.C.R. 5** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.C.R. No. 5**, line 23, by adding the following paragraph:

RESOLVED, That nothing in this resolution may be construed as an admission by the State of Texas, or by any of its employees, agents, departments, agencies, or political subdivisions of liability or of the truth of any allegation asserted by the claimant, but the alleged cause of action must be proved under the laws of this state as in other civil suits; and, be it further...

and renumbering the subsequent lines.

The amendment was read.

Senator Doggett moved to concur in the House amendment.

The motion prevailed.

#### **VOTE ON FINAL PASSAGE OF HOUSE BILL 502 RECONSIDERED**

On motion of Senator Mauzy and by unanimous consent, the vote by which **H.B. 502** was finally passed was reconsidered.

Question - Shall **H.B. 502** be finally passed?

#### **SENATE BILL 185 WITH HOUSE AMENDMENTS**

Senator Sherman called **S.B. 185** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend Senate Bill 185 by adding a new subsection 5. d. immediately after subsection 5. c., at line 12 on page 3, the same to read as follows:



"d. and provided further that the right of eminent domain granted under this chapter to such pipe lines shall not include the power to take land or any interest therein, by exercise of the power of eminent domain, for the purpose of drilling for, mining, or producing any oil, gas, geothermal, geothermal/geopressured, lignite, coal, sulphur, uranium, plutonium, or other mineral. Provided, however, this provision shall not impair the right of any such entity to acquire title to real property for pipe lines, including cooling ponds and related surface installations and equipment;"

#### Floor Amendment No. 2

Amend Senate Bill 185 by changing the period at the end of the sentence on line 23, page 6, to a semicolon, and adding the following:

"provided that in the event such common carrier pipeline, in the exercise of the power of eminent domain or police power, or any other power granted hereunder, makes necessary the relocation, raising, lowering, rerouting, or changing the grade of, or altering the construction of any railroad, electric transmission, telegraph or telephone lines, properties and facilities, or pipeline, all such relocation, raising, lowering, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of such common carrier pipeline. The term 'sole expense' shall mean the actual cost of such relocation, raising, lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility."

#### Floor Amendment No. 3

Amend Senate Bill 185 by adding the following as a new Section 5 and renumbering existing Section 5 as new Section 6:

"Sec. 5. The coal pipeline applicant shall publish, in accordance with regulations promulgated by the Commission and existing law, a notice that it has filed an application for a certificate of public convenience and necessity under this Act in a newspaper of general circulation in each county in which the project will be located. The notice shall, among other things, specify to the extent practicable the land which would be subject to the power of eminent domain. The Commission shall then conduct public hearings in areas of the State along the prospective pipeline right of way as they shall determine shall be necessary to give property owners an opportunity to be heard. The Commission is vested with authority to alter the right of way to meet with local objections."

#### Floor Amendment No. 4

Amend Senate Bill 185 by adding a new sentence immediately following the word "law" on page 5, line 22, the same to read as follows:

"The Commission shall seek and act upon the recommendations of The Texas Air Control Board, The Texas Water Quality Board, the Governor's Energy Advisory Council or their successors of the State responsible for environmental determinations, and shall specify the proper use and disposal of non-dischargeable water."

## Floor Amendment No. 5

Amend Senate Bill 185 by adding the following provision after the semicolon at line 11 on page 3 of said bill:

“and provided further that no Texas water from any source shall be used in connection with the transportation, maintenance or operation of a coal slurry pipeline within the State of Texas unless the Texas Water Rights Commission shall have determined, after public hearing, that such use will not be detrimental to the water supply of the area from which the water is sought to be extracted.”

## Floor Amendment No. 6

Amend **S.B. 185**, page 5, line 20 by adding after the word “group;” the following:

“the Commission shall condition the issuance of a certification upon the requirement that the pipeline company shall take no more than 50 feet in width of right of way under the power of eminent domain.”

## Floor Amendment No. 7

Amend **S.B. 185**, First Printing, by adding a new clause to Article 6023, Jurisdiction, on page 5, line 20 after the word “group” and before “;” to read as follows:

“and provided further that the Commission shall not issue a permit, certificate, or any authority to any applicant whose pipe line transporting coal in whatever form unless such pipe line transporting coal in whatever form is to be buried at least 36 inches below the surface except in such instances in which the Commission specifically exempts the 36 inch depth requirement, and unless such pipe line transporting coal in whatever form conforms to all applicable state or Federal regulations concerning the operation, maintenance, and construction of that same pipe line;”.

## Floor Amendment No. 8

Amend **S.B. 185** by adding a new paragraph at the end of Section 4 to provide the following:

“In the event eminent domain proceedings are filed by a pipeline carrier as defined in Article 6018 V.A.C.S. the court or commissioner may consider allowing a reasonable attorney fee to be paid to the condemnee’s attorney in addition to any other damages to which the condemnee may be entitled. The attorney’s fee may be considered as an element of damages to the condemnee.”

## Floor Amendment No. 9

Amend **S.B. 185** by adding a new subdivision (d) to Section 1 on page 3 to read as follows:

“(d) Every condemnation award granted under this chapter shall require that the condemnor restore the property which is the subject of the award to its former condition, as near as reasonably practicable.”

The amendments were read.

Senator Sherman moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Lombardino, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan, Williams.

Nays: Clower, Creighton, Harris, Kothmann, Mauzy.

Absent: Longoria, Traeger.

Absent-excused: McKnight.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 185** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Sherman, Jones of Harris, Mengden, Schwartz, and Williams.

#### **SENATE BILL 60 ON SECOND READING**

The President laid before the Senate as unfinished business, with a committee amendment pending, on its second reading and passage to engrossment: (The bill having been read second time and amended on March 21.)

**S.B. 60.** A bill to be entitled An Act relating to granting authority to the Coordinating Board, Texas College and University System, to contract with teaching hospitals for certain purposes; amending Chapter 61, Texas Education Code, as amended, by adding Subchapter G; amending Sections 73.057, 74.154, and 110.09, Texas Education Code; and declaring an emergency.

Question Shall the committee amendment be adopted?

Senator Brooks offered the following amendment to the pending committee amendment:

Amend Committee Amendment No. 1 to **S.B. No. 60** by renumbering Subchapter I as Subchapter J and renumbering Sections 61.501 through 61.504 as Sections 61.551 through 61.554.

The amendment to the pending committee amendment was read and was adopted.

The committee amendment as amended was then adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 21, Nays 8.

Yeas: Aikin, Andujar, Brooks, Clower, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Braecklein, Creighton, Doggett, Farabee, Jones of Taylor, Moore, Patman.

Absent: Harris.

Absent-excused: McKnight.

#### **MOTION TO PLACE SENATE BILL 896 ON SECOND READING**

Senator Moore moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 896**, Relating to unemployment compensation; amending the Texas Unemployment Compensation Act, to conform to the provisions of Public Law, etc., and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 15, Nays 15.

Yeas: Adams, Aikin, Andujar, Creighton, Hance, Harris, Jones of Taylor, Lombardino, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger.

Nays: Braecklein, Brooks, Clower, Doggett, Farabee, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Parker, Patman, Schwartz, Truan, Williams.

Absent-excused: McKnight.

#### **COMMITTEE SUBSTITUTE SENATE BILL 52 ON THIRD READING**

Senator Harris moved to suspend the regular order of business to take up on its third reading and final passage:

**C.S.S.B. 52**, Relating to bail pending appeal or disposition of a motion for new trial; amending Article 44.04, Code of Criminal Procedure, 1965.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Meier, Mengden, Moore, Ogg, Patman, Sherman, Snelson, Traeger, Williams.

Nays: Brooks, Longoria, Mauzy, Parker, Santiesteban, Schwartz, Truan.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### RECORD OF VOTES

Senators Mauzy and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

### SENATE BILL 1172 ON SECOND READING

On motion of Senator Sherman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1172.** Relating to the creation and staffing of the Texas Energy Advisory Council and its powers and duties; creating the Advisory Committee of the Texas Energy Advisory Council; providing for travel expense and compensation; providing for cooperation by other state agencies; and declaring an emergency.

The bill was read second time and was passed to engrossment.

### SENATE BILL 1172 ON THIRD READING

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1172** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### SENATE BILL 101 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 101.** A bill to be entitled An Act providing for additional duties of the Texas Department of Community Affairs in establishing standards for drug abuse treatment programs and certifying programs which meet standards established; amending Section 5.12, Chapter 429, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 4476-15, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 101 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 101** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Harris.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

#### **MOTION TO PLACE HOUSE BILL 452 ON THIRD READING**

Senator Meier moved to suspend the regular order of business to take up on third reading and final passage:

**H.B. 452**, A bill to be entitled An Act relating to the recovery of attorney's fees in suits founded on certain oral or written contracts; amending Article 2226, Revised Civil Statutes of Texas, 1925, as amended.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 17, Nays 13.

Yeas: Adams, Braecklein, Brooks, Clower, Doggett, Hance, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Ogg, Parker, Schwartz, Snelson, Truan, Williams.

Nays: Aikin, Andujar, Creighton, Farabee, Harris, Jones of Taylor, Lombardino, Mengden, Moore, Patman, Santiesteban, Sherman, Traeger.

Absent-excused: McKnight.

#### **SENATE BILL 868 ON THIRD READING**

Senator Traeger asked unanimous consent to suspend the regular order of business to take up on its third reading and final passage:

**S.B. 868**, Relating to the delivery of mixed beverages to hotel rooms; amending Subdivision (a), Subsection (22), Section 15, Article 1, Texas Liquor Control Act, as amended (Article 666-15, Vernon's Texas Penal Auxiliary Laws).

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **S.B. 868** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan.

Nays: Adams, Aikin, Clower, Jones of Taylor, Mauzy, Sherman, Snelson, Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 10.

Yeas: Andujar, Braecklein, Brooks, Creighton, Doggett, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Traeger, Truan.

Nays: Adams, Aikin, Clower, Farabee, Hance, Jones of Taylor, Mauzy, Sherman, Snelson, Williams.

Absent-excused: McKnight.

#### **SENATE BILL 699 ON SECOND READING**

On motion of Senator Braecklein and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 699**, Relating to a limited guardianship for a mentally retarded person without a finding of incompetency; prescribing procedures, venue, and the powers and duties of the court, the limited guardian, and the Department of Mental Health and Mental Retardation; amending Chapter V, Texas Probate Code by adding Part 5 and Sections 130A through 130P.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 699 ON THIRD READING**

Senator Braecklein moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 699** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 645 ON SECOND READING**

Senator Andujar moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 645**, Relating to proxies at meetings of the county executive committee of a political party; amending Subdivision 2, Section 196, Texas Election Code, as amended (Article 13.18, Vernon's Texas Election Code).

The motion was lost by the following vote: Yeas 8, Nays 22.

Yeas: Andujar, Hance, Harris, Jones of Taylor, Moore, Ogg, Schwartz, Traeger.

Nays: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Parker, Patman, Santiesteban, Sherman, Snelson, Truan, Williams.

Absent-excused: McKnight.

**SENATE BILL 567 ON SECOND READING**

On motion of Senator Jones of Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 567**, Relating to the sale, transportation, and methods of taking bait fish; providing penalties; amending Chapter 66, Parks and Wildlife Code, by adding Section 66.010; amending Subdivision (5) of Section 47.001 and Subsection (a) of Section 47.014, Parks and Wildlife Code; repealing certain local minnow laws; making conforming amendments to local fish sale laws.

The bill was read second time and was passed to engrossment.

**SENATE BILL 567 ON THIRD READING**

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 567** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.



The bill was read third time and was passed.

#### COMMITTEE SUBSTITUTE SENATE BILL 51 ON SECOND READING

Senator Schwartz moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 51**, Relating to prevention of discrimination in employment, public accommodations, education, and real property transactions; creating a state Commission on Human Rights and authorizing creation of local commissions; providing for cooperation and their respective powers and duties; defining discriminatory practices and making certain exemptions and exceptions; providing for filing of complaints, procedures for handling complaints, hearings, and orders; providing for judicial review; providing enforcement procedures; providing for keeping of records; relating to certain plans to eliminate discrimination and filing of such plans with the commission; defining certain offenses; providing remedies, sanctions, and penalties; making appropriations; and providing an effective date; and declaring an emergency.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Aikin, Creighton, Farabee, Hance, Harris, Jones of Taylor, Mengden, Moore, Patman.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Meier offered the following amendment to the bill:

Amend **C.S.S.B. 51** by striking the number "180" on page 8, line 42 and substitute in lieu thereof "300".

The amendment was read and was adopted.

Senator Meier offered the following amendment to the bill:

Amend Section 905 of **C.S.S.B. 51** to read as follows:

Sec. 905. REFERRAL TO LOCAL COMMISSION. (a) The state commission:

(1) whether or not a complaint has been filed under this Act, may refer a matter involving discrimination because of race, color, religion, sex, or national origin to a local commission for investigation, study, and report; and

(2) may refer a complaint alleging a violation of this Act to a local commission for (i) investigation, (ii) determination whether there is reasonable cause to believe that the respondent has engaged in a discriminatory practice, or (iii)

assistance in eliminating a discriminatory practice by conference, conciliation, or persuasion.

(b) The state commission must refer a matter or complaint as provided in subsection (a) of this section to a local commission approved under Section 706(c) of Title VII of the 1964 Federal Civil Rights Act [42 U.S.C. Sec. 2000e-5(c)] for a period of 60 days.

(c) On referral by the state commission, the local commission shall make a report and may make recommendations to the state commission and take other appropriate action within the scope of its powers.

The amendment was read and was adopted.

Senator Meier offered the following amendment to the bill:

Amend Section 906 of C.S.S.B. 51 to read as follows:

Sec. 906. TRANSFER TO STATE COMMISSION. (a) A local commission may refer a matter under its jurisdiction to the state commission.

(b) At any time after a complaint under this Act is filed, the state commission may require a local commission to transfer any related proceeding to the state commission; provided, however if the local commission has been approved under Section 706(c) Title VII of the 1964 Federal Civil Rights Act [42 U.S.C. Sec. 2000e-5(c)], such transfer may not be ordered for sixty days. After the local commission is requested to transfer a proceeding, the local commission has no further jurisdiction over the proceeding except to take appropriate action to implement the transfer to the state commission or to carry out a request or order of the state commission.

The amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend Section 801 of the Committee Substitute for Senate Bill 51 to read as follows:

Sec. 801. OTHER DISCRIMINATORY PRACTICES

(a) It is a discriminatory practice for a person or group of persons to commit any act prohibited by Section 3, Chapter 416, Acts of the 61st Legislature, Regular Session, 1969 (Article 4419e, Vernon's Texas Civil Statutes) as amended.

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 20, Nays 10.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Adams, Aikin, Creighton, Farabee, Hance, Harris, Jones of Taylor, Mengden, Moore, Patman.

Absent-excused: McKnight.

### SENATE BILL 847 ON SECOND READING

Senator Truan moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 847**, Relating to the election of the members of the board of trustees of the Corpus Christi Independent School District; amending Section 6, Chapter 34, Special Laws, Acts of the 31st Legislature, Regular Session, 1909, as amended.

The motion prevailed by the following vote: Yeas 24, Nays 2, Present-Not Voting 3.

Yeas: Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Jones of Taylor, Moore.

Present-Not Voting: Adams, Aikin, Snelson.

Absent: Mengden.

Absent-excused: McKnight.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

### RECORD OF VOTE

Senator Ogg asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

### SENATE BILL 847 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 847** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 2, Present-Not Voting 3.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Jones of Taylor, Moore.

Present-Not Voting: Adams, Aikin, Snelson.

Absent: Mengden.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

### **RECORD OF VOTES**

Senators Ogg and Harris asked to be recorded as voting "Nay" on the final passage of the bill.

### **MEMORIAL RESOLUTIONS**

**H.C.R. 74** - (Farabee): Memorial resolution for Judge Elbert Reeves, former State Representative.

**S.R. 394** - by Snelson: Memorial resolution for Dr. Robert S. Sutton.

**S.R. 395** - by Snelson: Memorial resolution for Mrs. J. F. Howell.

### **WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 389** - by Sherman: Extending congratulations to Spearman High School Lynxettes.

**S.R. 390** - by Sherman: Extending congratulations to Canyon High School Eagles.

**S.R. 391** - by Doggett: Extending welcome to Reverend David Jarman.

**S.R. 392** - by Adams: Extending congratulations to Nacogdoches County honorees of the Family Land Heritage Program.

**S.R. 393** - by Andujar: Extending congratulations to Dunbar High School Basketball Team.

**S.R. 396** - by Braecklein, Harris: Extending welcome to Elisa and Gina Osborne.

### **ADJOURNMENT**

On motion of Senator Aikin the Senate at 12:15 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

**APPENDIX****Sent to Governor**

(March 28, 1977)

**S.C.R. 13****S.C.R. 14****S.C.R. 18****S.C.R. 19****S.B. 97****S.B. 98****S.B. 111****S.B. 114****S.B. 117****S.B. 192****S.B. 507****FORTY-THIRD DAY**

(Tuesday, March 29, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Adams.

A quorum was announced present.

The Reverend Van Houser, First Baptist Church, Kerens, Texas, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Adams was granted leave of absence for today on account of death in the family on motion of Senator Brooks.